

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CIVIL CASE NO. 3:08cv478**

**DOROTHY C. KNOTTS,**

**Plaintiff,**

**vs.**

**UNC CHARLOTTE FACILITY  
MANAGEMENT,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's Motion to Dismiss [Doc. 12], filed on December 18, 2008, and the Magistrate Judge's Memorandum and Recommendation [Doc. 34], entered on May 5, 2009.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable David C. Keesler, United States Magistrate Judge, was designated to consider the Defendant's Motion to Dismiss [Doc. 12].

On May 5, 2009, the Magistrate Judge entered a Memorandum and Recommendation [Doc. 34] recommending that the Defendant's Motion to Dismiss [Doc. 12] be denied as moot. The parties were advised that any

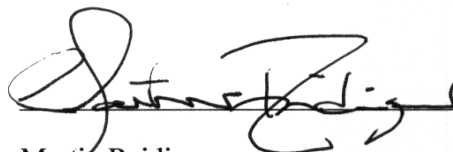
objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within ten days of service of the same. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Memorandum and Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation [Doc. 34] that the Defendant's Motion to Dismiss [Doc. 12] be denied as moot.

**IT IS, THEREFORE, ORDERED** that the Defendant's Motion to Dismiss [Doc. 12] is **DENIED AS MOOT**, without prejudice.

**IT IS SO ORDERED.**

Signed: June 2, 2009

  
Martin Reidinger  
United States District Judge

